

NOTE: Appearing first is the Full Board summary which is the last meeting of the day. The committees will follow in the order of which time they were conducted. The Dealer Board staff felt it would benefit our readers to have the last meeting of the day appear first on the website.

~ 1ST DRAFT ~

Meeting Summary
Motor Vehicle Dealer Board
Monday, September 14, 2009

Chairman D.B. Smit called the Dealer Board meeting to order at 10:13 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 15 Board members present. Present were members Lynn Hooper, T. K. Hughes, David Lacy, Wanda Lewark, Chip Lindsay, Thomas Moorehead, Frank Pohanka, Matt Queen, Kevin Reilly, Larry Shelor, Joe Tate, Jimmy Whitten, Sally Woodson and Robert Woodall. (Absent: Todd Haymore, Henry Jones, Pat Patrick, and Thomas Woodson). Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office. Alice Weedon acted as Recording Secretary.

PUBLIC COMMENT

There was no public comment.

The July 13, 2009 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

Chairman Kevin Reilly summarized discussions held and actions that were taken during the Committee Meeting.

- **Edward D. Stephens, Jr. and E Z Ride Auto Sales, Inc.** Chairman Kevin Reilly summarized for the Board the discussion held in the committee meeting regarding Edward D. Stephens, Jr. and E Z Ride Auto Sales, Inc. Based on that discussion, Mr. Reilly made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Edward D. Stephens, Jr. t/a E Z Ride Auto Sales, Inc. for alleged violations of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and (46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Mr. Stephens in running his dealership. The Board mandates that Mr. Stephens successfully complete the dealer-operator course by October 14, 2009. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Stephens by the Board until what time Mr. Stephens successfully completed the course.

Frank Pohanka seconded. The motion carried unanimously.

- **Beryl Saddler and Quick Cash Auto Sales.** Chairman Kevin Reilly summarized for the Board the discussion held in the committee meeting regarding Beryl Saddler and Quick Cash Auto Sales. Based on that discussion, Mr. Reilly made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Beryl Saddler t/a Quick Cash Auto Sales for alleged violations of VA Code Sections 46.2-1518 (failure to display list of salespersons employed), 46.2-1529 (failure to maintain all dealer records), 46.2-1532 (failure to maintain odometer disclosure statements), 46.2-1539 (failure to have vehicles inspected prior to retail sale) and 46.2-1559 (failure to keep a written record of temporary license plates and have them available for inspection). Based on due consideration, the Board believes a civil penalty should be assessed against Beryl Saddler t/a Quick Cash Auto Sales. The Board hereby assesses a \$1,000 civil penalty against Beryl Saddler t/a Quick Cash Auto Sales; and based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Ms Saddler in running her dealership. The Board mandates that Ms Saddler successfully complete the dealer-operator course by March 14, 2010. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Ms Saddler by the Board until what time Ms Saddler has successfully completed the course.

Matthew Queen seconded. The motion carried unanimously.

- **Karen D. Munns and Valley View Motors.** Chairman Kevin Reilly summarized for the Board the discussion held in the committee meeting regarding Karen D. Munns and Valley View Motors. Based on that discussion, Mr. Reilly made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Karen D. Munns t/a Valley View Motors for alleged violations of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Ms Munns in running her dealership. The Board mandates that Ms Munns successfully complete the dealer-operator course by November 14, 2009. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Ms Munns by the Board until what time Ms Munns has successfully completed the course.

Robert Woodall seconded. The motion carried unanimously.

Licensing Committee

Chairman Chip Lindsay summarized discussions held and actions that were taken during the Committee Meeting.

- **Update: Continuing Education Regulations.** Chairman Chip Lindsay summarized for the Board the discussion held in the committee meeting regarding Continuing Education Regulations.
- **Dealer-Operator Course Fee Increase.** Chairman Chip Lindsay summarized for the Board the discussion held in the committee meeting regarding Mr. Dave Boling's presentation of increasing the Dealer Operator Fees. Motion was made by Mr. Lindsay to approve the Dealer-Operator Course fees increase from \$300 to \$325 (early registration) and \$375 (late registration). Larry Shelor seconded. The motion carried unanimously.

Advertising Committee

Chairman Lynn Hooper summarized discussions that were held during the Committee Meeting.

- **Qasim Abbasi and Luxury Auto Sales.** Chairman Lynn Hooper summarized for the Board the discussion held in the committee meeting regarding Qasim Abbasi and Luxury Auto Sales. Based on that discussion, Mr. Hooper made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Qasim Abbasi t/a Luxury Auto Sales for alleged violations of VA Code Sections 46.2-1581(8) (advertised price must include all charges which the buyer must pay to the seller,), 46.2-1581(12) (“Bait” advertising, in which an advertiser may have no intention to sell at the price or terms advertised) and 46.2-1575(2)(failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on due consideration, the Board believes a civil penalty should be assessed against Qasim Abbasi t/a Luxury Auto Sales. The Board hereby assesses a \$5,000 civil penalty against Qasim Abbasi t/a Luxury Auto Sales. Based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Mr. Abbasi in running his dealership. The Board mandates that Mr. Abbasi successfully complete the dealer-operator course by November 14, 2009. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Abbasi by the Board until what time Mr. Abbasi has successfully completed the course.

Transaction Recovery Fund Committee:

Chairman Larry Shelor summarized discussions held and actions that were taken during the Committee Meeting.

- **Ellis and Lisa Tuck and Heritage Chrysler Plymouth Dodge of South Hill and Teloni McIntyre and New Deal Used Cars.** Chairman Larry Shelor summarized for the Board the discussion held in the Committee meeting regarding Ellis and Lisa Tuck and Heritage Chrysler Plymouth Dodge of South Hill and Teloni McIntyre and New Deal Used Cars. Based on that discussion and the recommendations in these cases, Mr. Shelor made the following motion: Pursuant to § 46.2-1527.1 et. seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered a claim submitted for payment from the Fund and based on due consideration and recommendation of the hearing officer, the Board believes the following claims should be payable from the Fund. The Board hereby approves and reaffirms the following claims and payment amount subject to compliance by the claimant with statutory requirements:

Ellis and Lisa Tuck and Heritage Chrysler Plymouth Dodge of South Hill	\$2,209.94
Teloni McIntyre and New Deal Used Cars	\$1,340.00

Robert Woodall seconded. The motion carried unanimously.

OLD BUSINESS

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR

- **Temporary Tag Program.** D. B. Smit introduced William Childress, who heads-up the DMV Titling and Registration Office and asked that he update the Full Board on this program. Mr. Childress indicated that this program has made progress and are in the final stages of testing and November should be when vendors can participate as long as they meet the requirements presented by DMV.
- **Executive Director's Report.** Bruce Gould indicated that he doesn't anticipate any legislation at this time. Bruce also indicated that he would like to attend the annual workshop of the NAMVBC in South Carolina. He requested that the Board pay for his hotel and registration fees and he would pay for travel and meals. He also indicated that he has applied for a grant to enhance with our scanning operation.

Motion was made by Kevin Reilly to pay all expenses for Bruce's trip to South Carolina for the annual fall workshop of his peers. Larry Shelor seconded. The motion carried unanimously.

The next meeting will be scheduled for November 9, 2009.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Smit adjourned the meeting at 10:44 a.m.

Meeting Summary
Dealer Practices Committee
Monday, September 14, 2009

Chairman Kevin Reilly called the Dealer Practices Committee meeting to order at 8:37 a.m. in Room 702 of the DMV Headquarters Building at 2300 W. Broad Street in Richmond. Present were Committee members T.K. Hughes, David Lacy, Wanda Lewark, Chip Lindsay, Thomas Moorehead, Matt Queen, Larry Shelor, Robert Woodall and Sally Woodson. (Absent: Tommy Woodson). Other Board members present: Lynn Hooper, Joe Tate, Frank Pohanka, D.B. Smit, Jimmy Whitten. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office.

The July 13, 2009 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Update: July Actions. Peggy Bailey reported on the actions taken at the Dealer Practices Committee meeting on July 13, 2009.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conference:

- **Edward D. Stephens, Jr. and E Z Ride Auto Sales, Inc.** On July 2, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and (46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on the information provided at the conference, the hearing officer recommended that Mr. Stephens take the Dealer-Operator Course within 30 days and upon successful completion of the Course, he recommended that E Z Ride be re-inspected.

Motion was made by David Lacy to accept the hearing officer's recommendation. Robert Woodall seconded. The motion carried unanimously.

- **Beryl Saddler and Quick Cash Auto Sales.** On August 13, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1518 (failure to display list of salespersons employed), 46.2-1529 (failure to maintain all dealer records), 46.2-1532 (failure to maintain odometer disclosure statements), 46.2-1539 (failure to have vehicles inspected prior to retail sale) and 46.2-1559 (failure to keep a written record of temporary license plates and have them available for inspection). Based on the information provided at the conference, the hearing officer recommended that \$100 be assessed per the five violations, for a total civil penalty of \$500.

Ms. Saddler was present and spoke on her own behalf.

Motion was made by David Lacy to assess a \$1,000 civil penalty and take the Dealer-Operator Course within 6 months because of the severity of the violations made by Ms. Saddler and Quick Cash Auto Sales. Robert Woodall seconded. The motion carried unanimously.

- **Karen D. Munns and Valley View Motors.** On July 30, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on the information provided at the conference, the hearing officer recommended that Ms. Munns take the Dealer-Operator Course within 30 days and upon successful completion of the Course, he recommended that Valley View Motors be re-inspected.

Ms. Munns was present and spoke on her own behalf.

Motion was made by Sally Woodson to assess a \$300 civil penalty. Robert Woodall seconded. General discussion on the severity or lack thereof, of the violations and it was discussed that maybe the original hearing officer's recommendation should be reconsidered.

Substitute motion was made by Wanda Lewark to accept the hearing officer's recommendation. David Lacy seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

The next meeting was scheduled for November 9, 2009.

The meeting adjourned at 9:09 a.m.

Meeting Summary

Dealer Licensing Committee

Monday, September 14, 2009

Chairman Chip Lindsay called the Dealer Licensing Committee meeting to order at 9:10 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Lynn Hooper, T.K. Hughes, Frank Pohanka, Joe Tate, Jimmy Whitten and Robert Woodall. (Absent: Henry Jones and Pat Patrick). Other Board members present: Sally Woodson, Thomas Moorehead, David Lacy, Larry Shelor, Kevin Reilly, D.B. Smit, Wanda Lewark, Matthew Queen. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office.

The July 13, 2009 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

- **Update: July Actions.** Peggy Bailey reported on the actions taken at the Licensing Committee meeting on July 13, 2009.
- **Update: Dealer-Operator Continuing Education.** Bruce Gould indicated that the proposed regulations are in the Governor's office awaiting review and has been there for 46 days. Once he hears from that office, he will keep the members informed on what decision the Governor makes. The regulatory process can not proceed until the proposed regulations are "signed-off" by the Governor.

OLD BUSINESS FROM THE FLOOR:

There was no old business from the floor.

NEW BUSINESS

- **Approval of Dealer-Operator Course Fee.** Bruce introduced David Boling to discuss the dealer-operator fees. Mr. Boling indicated that, because the fee has never been increased since the inception of the classes, they would like to increase the fee from \$300 to \$325, because of the increase in cost for supplies, travel, etc. He also discussed the fact that people are delaying their registration to 2 days before the class begins. He presented to the committee that if the person registered two weeks prior to the class, that individual would pay \$325. Any time after the two week period, they would be charged \$375.00. This would encourage individuals to register early.

Robert Woodall made the motion to accept the suggested fee increases. Thomas Moorehead seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for November 9, 2009

The meeting adjourned at 9:23 a.m.

Meeting Summary
Advertising Committee
Monday, September 14, 2009

Chairman Lynn Hooper called the Advertising Committee meeting to order at 9:23 a.m. in Room 702, at DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members Matt Queen, Kevin Reilly, Larry Shelor, Joe Tate, Sally Woodson and Jimmy Whitten (Absent: Todd Haymore and Thomas Woodson). Other Board members present: Thomas Moorehead, T.K. Hughes, David Lacy, Frank Pohanka, D.B. Smit, Wanda Lewark, Chip Lindsay, Robert Woodall. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office.

The July 13, 2009 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

- **Qasim Abbasi and Luxury Auto Sales.** On June 2, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1581(8) (which states, "When the price or credit terms of a vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, *in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the seller, except buyer-selected options, state and local fees and taxes, and manufacturer's or distributor's freight or destination charges, and a processing fee, if any.*"), 46.2-1581(12) ("Bait" advertising, in which an advertiser may have no intention to sell at the price or terms advertised) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on the information provided at the conference, the hearing officer recommended a civil penalty of \$1,000 be assessed.

Motion was made by Matthew Queen to assess a \$5,000 civil penalty. Jimmy Whitten seconded. General discussion followed on the severity of the violations.

Substitute motion was made by Matthew Queen to assess a \$5,000 civil penalty and to take the Dealer-Operator Course within 60 days because of the severity of the violations. Jimmy Whitten seconded. The motion carried unanimously.

- **Advertising Display Versus Display for Sale.** Bruce Gould opened the discussion by stating that it has been common practice for motor vehicle dealers to show motor vehicles in malls and airports. These types of static displays have been interpreted as a “show”. The Motor Vehicle Dealer Board does not require an off-site (temporary supplemental) license as long as no sales activity are taking place away from the licensed location.

In addition, some commercial establishments such as Costco and Sam’s Club have relationships with dealers whereby the dealers offer special pricing for members of these stores. Often times a vehicle will be on display at the entrance of the commercial establishment as an advertisement for the buying service. The only price posted on the vehicle would be the Monroney Sticker and no sales would be taking place at the store.

After much discussion by the committee members, it was the general consensus that the following criteria should be used to differentiate between an Advertising Display/Show and display for sale requiring a supplemental off-site sales license. Situations meeting the listed criteria would be deemed to be an Advertising Display/Show and would not require a supplemental license. Displays not meeting the criteria would require s supplemental license.

- Vehicle should not be readily visible from a public roadway.
- Advertising on the vehicle may only include the Monroney Sticker for a new motor vehicle and a Monroney like sticker (No larger than 8.5 inches by 11 inches.) and the buyers guide for used vehicles; the dealership or auto buying program name, address, and telephone number.
- The price of the vehicle should not be displayed anywhere on the vehicle other than on the Monroney Sticker for new motor vehicles or the Monroney like sticker as described above for used motor vehicles.
- With the exception of the Monroney Sticker for new motor vehicles or the Monroney like sticker as described above for used motor vehicles or the dealership or auto buying program name, address, and telephone number, no advertising should be displayed or written on the vehicle.

The next meeting was scheduled for November 9, 2009.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The meeting adjourned at 9:44 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, September 14, 2009

Chairman Larry Shelor called the Transaction Recovery Fund Committee meeting to order at 9:45 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: David Lacy, Wanda Lewark, Frank Pohanka, Matt Queen and Joe Tate. (Absent: Henry Jones, Todd Haymore and Pat Patrick). Other Board members present: Sally Woodson, Thomas Moorehead, T.K. Hughes, Kevin Reilly, D.B. Smit, Chip Lindsay, Lynn Hooper, Jimmy Whitten, Robert Woodall. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office.

The July 13, 2009 summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conference Results:

- **Ellis and Lisa Tuck and Heritage Chrysler Plymouth Dodge of South Hill.** On March 19, 2008, Ellis and Lisa Tuck entered into a contract to purchase a 2008 Dodge Dakota from Heritage for a purchase price of \$36,931.01 (price of vehicle \$35,270.00, processing fee of \$499.00, the 3% VA title tax of \$1,073.00, the dealer's business license tax of \$67.01 and the license and title fee of \$22.00). In connection with the purchase price, the Tuck's traded-in a 2004 Chevrolet Silverado pickup and was given an allowance of \$16,850.00 minus \$15,500.00 for payoff accuracy, making the total amount of equity of \$1,350.00, plus they made an additional down payment of \$2,000 and were given a \$3,500.00 rebate making the total down payment of \$6,850.00. The Tuck's financed the remaining balance due on delivery in the amount of \$30,081.01.

On April 10, 2008, Heritage contacted the Tucks and indicated that the payoff for the Silverado was \$700 more than originally thought, so the Tuck's paid the additional \$700 to Heritage on April 16, 2008, the check cleared the Tuck's account; however it was never applied to their contract. Shortly thereafter, the Tuck's began to receive late notices from First Citizens Bank to make a payment on the Silverado. This is when they became aware that Heritage had not paid-off their trade-in.

The Tuck's returned to the dealership, only to discover that Heritage had already been shut down by Chrysler. A gentleman by the name of Bob Templeton from Cary Financial instructed the couple that in order for them to take possession of their trade-in, they would need a release form from First Citizens Bank. The release form was faxed to Mr. Templeton and upon the Tuck's signature their trade-in was returned to them. The Tuck's had to pay \$100 for a roll back to transport the 2004 Silverado from Heritage to their home. Eventually the Tuck's were able to sell the Silverado for \$15,000.00; however, they were still liable for the difference in the pay-off amount that was due at the time the pick-up was traded-in to Heritage. (Pay-off amount at time of transaction was \$16,224.02 - \$15,000.00 = \$1,224.02)

On September 26, 2008, Mr. Tuck filed a Warrant in Debt in the Mecklenburg County General District Court against the owner (Joe Byrum). On November 6, 2008, the Mecklenburg County General District Judge awarded Ellis and Lisa Tuck a Default Judgment against Joseph Thomas Byrum in the amount of \$2,262.68 plus \$65.00 in cost for Breach of Contract. Joseph Byrum appealed the default judgment to the Circuit Court and on January 28, 2009 the judge dismissed the judgment against Mr. Byrum personally. On February 5, 2009, the Tuck's filed for another Warrant in Debt in the same court against the corporation (JTB Enterprises, Inc.) and service was made on the registered agent Samuel P. Johnson, III. On February 19, 2009, the Mecklenburg General District Court awarded the Tuck's default judgment for Breach of Contract against the corporation only in the amount of \$2,212.68 plus \$53.00 in costs.

On March 24, 2009, Mrs. Tuck filed a written complaint to the Dealer Board against Heritage and inquired how they could receive reimbursement from the Motor Vehicle Transaction Recovery Fund (Fund). On April 17, 2009, Recovery Fund Analyst Wanda Neely sent a letter to Mrs. Tuck explaining what documentation was needed in order to file a claim against the Fund. On May 14, 2009, the Dealer Board staff received all the appropriate documentation needed to file a claim against the Fund. On May 15, 2009, the Dealer Board staff spoke with Ms. Tuck and requested documentation of proof of payment and receipts for the additional expenses they had incurred in connection with their trade-in. On May 19, 2009, they received the documentation requested.

After carefully reviewing all the documentation, staff requested that the Recovery Fund Committee and Full Board approve \$2,209.94 (\$1,224.02, 3 court receipts of \$118.00, roll back fee \$100, continued insurance coverage of \$17.92, attorney fee of \$50.00 and the additional \$700.00 paid to the dealership to pay-off loan). On August 10, 2009, an informal fact-finding conference was conducted and based on the information provided at the conference, the hearing officer recommended to support the findings of staff and approve payment of \$2,209.94.

Motion was made David Lacy to accept the hearing officer's recommendation. Frank Pohanka seconded. The motion carried unanimously.

- **Teloni McIntyre and Military Circle Auto Brokers T/A New Deal Used Cars.** On January 23, 2008, Ms. McIntyre entered into a contract to purchase a 1999 Nissan Maxima from New Deal Used Cars for a purchase price of \$3,500.00. Ms. McIntyre made a down payment of \$600.00 and financed the remaining balance of \$2,900.00.

On the Buyer's Order, the dealership included additional fees to cover license fee of \$34.50, title fee of \$10.00, 3% title tax of \$107.97, dealer business license tax of \$7.00, processing fee of \$99.00 and a tag fee of \$9.00 which came to a total of \$267.47 and was to be paid within 30 days of the purchase. Additionally, the dealership indicated a limited Warranty, which covered internal parts of the motor, transmission and drive axle for 30 days or 1000 miles whichever came first.

Shortly after the purchase, Ms. McIntyre noticed a strange noise with the vehicle and she contacted the mechanic at the dealership. The mechanic indicated that the left axle was bad and it needed to be replaced. On January 29, 2008, she returned the vehicle and had the left axle replace and the hub bearing replaced, in which she had to pay a total of \$169 (\$109 for the axle and \$60 for the hub). On February 15, 2008, Ms. McIntyre made her first payment of \$226.00 to the dealership and on February 19, 2008, she paid the dealer the DMV fees in the amount of \$267.00. On February 25, 2008 the dealership issued Ms. McIntyre a second set of temporary tags because she had not received her permanent registration and plates for her vehicle. Meanwhile, Ms. McIntyre continued to have continuous problems with the vehicle. On March 2, 2008, she had to purchase a battery (\$60), an alternator (\$225) and a starter (\$67.25).

On March 7, 2008 Ms. McIntyre went to the DMV to check on the status of her vehicle registration and DMV indicted that the 1999 Nissan Maxima had not been titled or registered in her name. She then began to have electrical problems with the vehicle and had it towed back to the dealership. Initially, the dealership indicated they would fix the vehicle until Ms. McIntyre refused to pay for any more repairs. At which time, Ms. McIntyre took her possessions out of the vehicle and left the vehicle at the dealership.

On March 21, 2008, Ms. McIntyre submitted to the Dealer Board a written complaint against Military Circle Auto Brokers, Inc. in connection with her purchase. The Consumer Complaint analyst indicated she would need to pursue civilly for any monetary relief. On July 15, 2008, Ms. McIntyre filed a Warrant in Debt in the Norfolk General District Court against Military Circle Auto Brokers, Inc. in the amount of \$2,500.00 plus \$53.00 in court costs. On August 14, 2008 the Norfolk General District Court awarded Ms. McIntyre a Default Judgment against Military Circle Auto Brokers, Inc. in the amount of \$1,287.00 plus \$53.00 in costs. On June 22, 2009 Ms. McIntyre submitted to the Dealer Board a copy of the Warrant in Debt and on June 23, 2009 the Dealer Board requested the attested copy of the final judgment order to be returned with the Judgment Claim Request form. On July 8, 2009 the Dealer Board received the Judgment Claim request form along with the attested copy of the judgment order and the court receipt.

After carefully reviewing all the documentation, staff has requested that the Recovery Fund Committee and Full Board approve \$1,340.00 (\$1,287.00 for the claim and \$53.00 in court cost) On August 24, 2009, an informal fact-finding conference was conducted and based on the information provided at the conference, the hearing officer recommended to support the findings of staff and approve payment of \$1,340.00.

Motion was made by Joe Tate to accept the hearing officer's recommendation. Wanda Lewark seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for November 9, 2009

The meeting adjourned at 10:12 a.m.